

**DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

GILBERTO ARANA WENCE,

Defendant.

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Case No. 3:20-cr-0027

ORDER

BEFORE THE COURT is the trial in this matter, currently scheduled for April 12, 2021. For the reasons stated herein, the time to try this case is extended up to and including May 17, 2021.

In response to the COVID-19 pandemic, the Chief Judge of the District Court of the Virgin Islands entered a general order concerning operations of the Court on March 17, 2020. The Chief Judge has thus far extended the order eleven times, finding that the ends of justice require excluding March 18, 2020, through April 30, 2021, from the Speedy Trial count in all criminal matters.

To date, the COVID-19 virus has claimed more than 560,000 lives (26 of which have been in the U.S. Virgin Islands). Current testing indicates that the rate of contraction of the virus is slowing in recent weeks. Notwithstanding the decrease in the incidence of COVID-19 in the Virgin Islands over the past few weeks, the Court finds that a continuance of the trial date in this case is in the best interest of justice. COVID-19 continues to present an unpredictable threat to public health and safety. In light of these circumstances, the Court finds it necessary and appropriate to proceed with caution. This case presents significant challenges for the Court to comply with social distancing guidelines during a jury trial. Practical considerations would require additional spacing for Defendants, counsel, and jurors—and the potential for additional jurors in the courtroom. Social distancing—specifically avoiding gatherings of more than 10 people and maintaining a distance of at least 6 feet from others—remains the most effective check against the COVID-19's transmission.

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Given the continuing dire circumstances faced by the U.S. Virgin Islands and the United States as a whole, the Court finds that a greater extension of time is necessary for the protection and well-being of the defendant, the jury, the prosecutors, the witnesses, the Court's personnel, and the general public at large.

The premises considered, it is hereby

ORDERED that the time beginning from the date of this order granting an extension through May 17, 2021, shall be excluded in computing the time within which the trial in this matter must be initiated pursuant to 18 U.S.C. § 3161; it is further

ORDERED that the jury selection and jury trial previously scheduled for April 12, 2021, is hereby RESCHEDULED to commence promptly at 9:00 A.M. on May 17, 2021.

Dated: April 9, 2021

/s/ Robert A. Molloy
ROBERT A. MOLLOY
District Judge